

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
(Brunswick Division)**

JOHN YAWN,

Plaintiff,

v.

**DISCOUNT AUTO PARTS,
LLC,**

Defendant.

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CIVIL ACTION FILE NO: 2:17-cv-88

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. section 1441(a) and 28 U.S.C. section 1332, DISCOUNT AUTO PARTS, LLC (“DAP”), by its undersigned counsel, hereby notices the removal of this action to the United States District Court for the Southern District of Georgia (Brunswick Division). As grounds for removal, DAP states:

1. On June 19, 2017, Plaintiff commenced this action against DAP by filing a Complaint in the Superior Court for Camden County, Georgia. Plaintiff’s Complaint was assigned Case No. 17V523 (hereinafter, the “State Court Action”). The Complaint alleges a claim against DAP for an amount not less than \$500,000 dollars” in damages.
2. On June 27, 2017, DAP was served with a copy of the Complaint.

3. Pursuant to 28 U.S.C. section 1332(a), “The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests or costs, and is between – (1) citizens of different states...” Plaintiff is a citizen and resident of the State of Georgia and voluntarily subjects himself to the jurisdiction and venue of this Honorable Court (See Complaint at ¶ 1.) DAP is a foreign corporation with its principal place of business in Roanoke, Virginia. DAP is the owner/operator of a retail outlet in Camden County, Georgia. In Plaintiff’s Complaint, he states he is seeking “not less than \$500,000.00 dollars” in damages. Therefore, this action meets diversity jurisdiction as Defendant is diverse from Plaintiff. *Lincoln Property v. Roche*, 546 U.S. 81, 89 (2005).

4. Pursuant to 28 U.S.C. section 1441(a), any civil action over which the federal courts have original jurisdiction, but which is brought in state court, may be removed to the district court of the United States that embraces the place where such action is pending. This removal is to the district court of the United States for the district and division that includes Brunswick County, Georgia, the place where the State Court Action is pending.

5. This Notice of Removal is being filed within 30 days after DAP received notice that complete diversity exists. Accordingly, this Notice of Removal is timely filed pursuant to 28 U.S.C. section 1446(b).

6. Pursuant to 28 U.S.C. section 1446(a), a true and legible copy of all process, pleadings, and orders served in the State Court Action as of this date are attached hereto as **Exhibit A**.

7. A Notice of Filing of Notice of Removal, attaching a copy of this Notice of Removal, is being filed on this date with the Clerk of the Superior Court for Brunswick County, Georgia, and is being served on Plaintiff's counsel as required by 28 U.S.C. section 1446(d). A copy (without attachments) of the Notice of Filing of Notice of Removal filed in the State Court Action is attached hereto as **Exhibit B**.

8. Undersigned counsel represents DAP in this action and is authorized to state that DAP expressly consents to the removal of the State Court Action to this Court.

WHEREFORE, DISCOUNT AUTO PARTS, LLC, respectfully requests that this Notice of Removal be accepted and that the State Court Action be removed to the United States District Court for the Southern District of Georgia (Brunswick Division).

Respectfully submitted, this 27th day of July, 2017.

**CRUSER, MITCHELL, NOVITZ,
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CERTIFICATE OF SERVICE

This is to certify that I have this date served Plaintiff in the foregoing matter with a copy of **NOTICE OF REMOVAL** by depositing the same in the United States Mail in a properly addressed envelope with adequate postage to:

Alan David Tucker, Esq.
James R. Francis, Esq.
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This 27th day of July, 2017.

**CRUSER, MITCHELL, NOVITZ,
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